

# **Children's Commissioner**

# **Statement of Intent 2009 – 2012**



Presented to the House of Representatives pursuant to section 149 of the Crown Entities Act 2004

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## Commissioner's foreword

We pride ourselves that New Zealand is a great place to bring up children<sup>1</sup>. Our sons, daughters, brothers and sisters come home from overseas to do so. And for most children in New Zealand it is a great place to be a child and to grow up. Most children are respected, well nurtured and have opportunities to reach their potential. Sadly, for some children, New Zealand is not such a happy place. They suffer poverty and ill health. The education system does not work well for them. Too many are in violent households and too many are themselves abused and/or neglected.

The Office of the Children's Commissioner works to improve the position of all children in New Zealand. The Children's Commissioner Act 2003 gives me responsibility for advocating for children's interests, rights and welfare generally. It mandates a wide range of activities from investigations and promoting complaints mechanisms for individual children, to raising awareness of children's interests, rights and welfare among New Zealanders generally.

It also requires my office to monitor, assess and report on policies and services under the Children, Young Persons and Their Families Act 1989 (CYPF Act), the Act that deals with the circumstances in which children are not safe and secure in their families, or where they are offending.

The goal for my office is to increase the number of New Zealand's children who grow up in a safe, secure and nurturing environment, able as they get older to take their place in the community as fully contributing members of our economy and society. There are challenges. Over the next three years children in New Zealand will be impacted by the economic recession, the ongoing high levels of violence in families (and sometimes in their schools) and changes in patterns of work and use of early child care facilities. Changes in governance and service delivery structures in Auckland, where 32 percent<sup>2</sup> of children in New Zealand live, will also be significant.

This Statement of Intent sets out the outcomes my office will contribute to, the impact areas we will seek to influence and the things we will do over the next year. The office has a small budget and is constantly seeking to use it in the most effective way to meet its responsibilities. It requires us to prioritise and to seek efficiencies.

Our priorities for 2009 – 2010 are to:

- monitor and assess the quality of services provided under the CYPF Act to children in care of the Chief Executive of the Ministry of Social Development and make recommendations for improvements
- sponsor and contribute to work on preventing child abuse and neglect in families and to preventing violence in the other settings in which children live
- advocate for and make recommendations about how the interests of children might be taken account of in the restructuring of local government in Auckland

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<sup>1</sup> Reference to "children" throughout this document means children and young people under the age of 18 years of age.

<sup>2</sup> Census 2006

- monitor and assess the weight given to the interests of young children in the provision of early childhood care and education
- monitor the impact of the recession on children's economic position and advocate for policies that mitigate against long term adverse effects
- promote increased use of mechanisms for children's participation in decision making and their access to review and grievance processes.

In addition to these priorities, we will work to focus our resources on statutory monitoring functions with the aim of improving services provided to children. In respect of the effectiveness and efficiency of our operations, we will implement the recommendations of a recent administrative efficiency review, which includes co-locating with the Families Commission in Wellington and related savings, and allowing greater co-ordination of operational activities, where these overlap with those of the Families Commission.

A handwritten signature in black ink, appearing to read 'John Angus', with a large, sweeping flourish on the left side.

Dr John Angus  
Children's Commissioner



## **PART 1: Our operating environment 2009 – 2012**

### ***The role and functions of the Children's Commissioner***

The position of Children's Commissioner was established in 1989 to provide a voice for the interests, rights and well-being of children in New Zealand, separate from the executive and administrative arms of government. Its independence was reinforced in 2003 and 2004 through being given its own statute, the Children's Commissioner Act 2003, and the status of an independent Crown entity.

The Children's Commissioner Act strengthened the independence of the role of the Commissioner and the office, giving them significant additional powers. These included greater investigative powers and the ability to report directly to the Prime Minister on matters affecting the rights of children. As well, the office was required to promote compliance with the United Nations Convention on the Rights of the Child (UNCROC).

The general functions of the Children's Commissioner are to:

- investigate any decision or recommendation made, or any act done or omitted, in respect of any child in that child's personal capacity; promote the establishment of effective complaints mechanisms for children; and monitor the nature and level of complaints;
- raise awareness and understanding of children's interests, rights and welfare, and UNCROC;
- undertake and promote research into any matter that relates to the welfare of children;
- act as an advocate for children's interests, rights, and welfare;
- increase public awareness of matters that relate to the welfare of children;
- promote the participation of children in decisions that affect them;
- enquire generally into, and report on, any matter, including any enactment or law, or any practice or procedure, that relates to the welfare of children.

The Commissioner also has the function of monitoring and assessing the actions of Child, Youth and Family and other agencies acting under the provisions of the CYPF Act.

The Commissioner has the responsibility as a National Preventative Mechanism (NPM) to monitor residences in respect of the Optional Protocol to the United Nations Convention against Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The operating environment most immediate to the Children's Commissioner is the state sector. Over the next three years we anticipate an environment where there is a need for value for money as a result of the economic recession. For our office it means prioritising resources on statutory monitoring functions with the aim of improving the services provided to children.

We will be doing this, however, in a wider environment of growing public interest and concern about how children are faring. We anticipate that the voice of advocacy for children's interest, rights and well-being from interest groups will strengthen. This will put additional demands on the office to advocate for children as a group. Internationally, the

fourth and fifth periodic reports of New Zealand to the United National Committee on the Rights of the Child will be considered in 2010.

At a more fundamental level, our operating environment is determined by the position of children in New Zealand and the changes in that environment that impact on their interests, rights and well-being.

### ***The position of children in New Zealand in 2009***

Children are important to the well-being of our society, both in the contribution they make to family and community life as children, and through the potential they represent. It is trite but true to say they are our future. But children are a vulnerable group. They depend on others to meet their basic human needs, such as accommodation and food, to develop their potential, notably through education, and to promote their interests and protect their rights. Because of this dependency on others, children require special attention to their needs.

In the last 15 to 20 years, the well-being of New Zealand children has been generally positive and improving<sup>3</sup>. In health, infant mortality has more than halved, immunisation rates have improved and the incidence of smoking has fallen. On the other hand, rates of early childbearing remain high. In education, participation in early childhood education has increased, as has the proportion of school leavers with NCEA Level 2 qualifications. In terms of economic security, the proportion of children living in low-income households has almost halved since 1994, though it remains higher than in 1986. In respect of safety, rates of death from road accident have reduced substantially, as has the overall rate of deaths from unintentional injuries. The rate of deaths from assaults and maltreatment, however, has not fallen so much.

The picture is not quite so good when we consider comparisons with other OECD countries. While we do well in terms of education, outcomes for New Zealand children are not so good in some other significant domains:

- a larger proportion of New Zealand children live in low-income households than in most OECD countries our rates of child poverty are higher
- our infant mortality rate is higher
- our rate of teenage births is much higher
- the levels of violence in our children's lives are higher: the rate of deaths from maltreatment remains well above the median, and there is some evidence that rates of bullying are also high.

One other factor is a feature of the well-being of children in contemporary New Zealand, and that is the disparity between population groups. The well-being of Maori children has improved across most domains of well-being in the past 15 – 20 years, but remains lower than for the population as a whole. The well-being of Pacific children has improved in many domains also, but remains lower than for the population as a whole on several significant

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<sup>3</sup> Based on *Children and young people: indicators of wellbeing in New Zealand 2008*, Ministry of Social Development, 2008

indicators. These disparities, many of which might be explained by differences in levels of household income, remain a feature of the position of children in New Zealand.

### ***The social, political and economic environment for children 2009 – 2012***

The most significant features of the social, political and economic environment for children in New Zealand over the next three years will be:

- the impact of the economic recession on children
- ongoing high levels of violence to children
- the impact (positive or negative) of changes to local government governance in metropolitan Auckland
- continuing significant increases in the use of formal and centre based childcare for infants as a result of changes in participation in the labour market and in the nature of employment.

The recession will be the most significant feature of the economic environment for children over the next three years. In the short term it will depress wages and increase unemployment. It is also likely to increase the numbers of children in households dependent on income tested benefits, and increase the length of time those households remain dependent on benefits. The recession will put at risk the gains made in reducing child poverty in the past decade.

The second issue is the violence that is endemic in too many of the families, schools and other settings in which children live, and the incidence of emotional and other forms of neglect that blight too many children's lives. While these problems are well recognised, and efforts to address them are underway, it is unlikely that levels of violence and neglect will drop dramatically over the next three years. Indeed, it may be that more instances of violence come to notice, and that household overcrowding and economic hardship lead to increased levels of neglect.

The third issue lies in the realm of political and service delivery structures: changes in governance arrangements for metropolitan Auckland. There are several reasons for giving emphasis to this feature of the next three years. The changes will affect some 32 per cent of the children in New Zealand. Children live in local areas – schools, streets, parks and other local recreational facilities – so how local services are designed, controlled and delivered is vital to them. And they are heavy users of the services the super city will be responsible for – public transport, recreational facilities such as parks and swimming pools, libraries and public spaces. These changes will present many risks and opportunities, it is therefore very important that the views of children and their interests are taken account of in the redesign.

The fourth aspect of contemporary life that bears substantially on the interests of young children is the increasing use of formal and institutional early care and education, particularly for two years and under. The current generation of children is the first in which a majority are spending a large part of early childhood in some form of out-of-home care and education. Often our youngest children are spending the longest periods of time in childcare. The

opportunities and risks in these new patterns of care need to be carefully explored and conveyed to parents.

Given the changing environment that we are working within we are revisiting the impacts we are seeking to influence. A number of new measures have been developed to ensure alignment with the outcomes we are seeking from our work.

## ***Our outcomes framework***

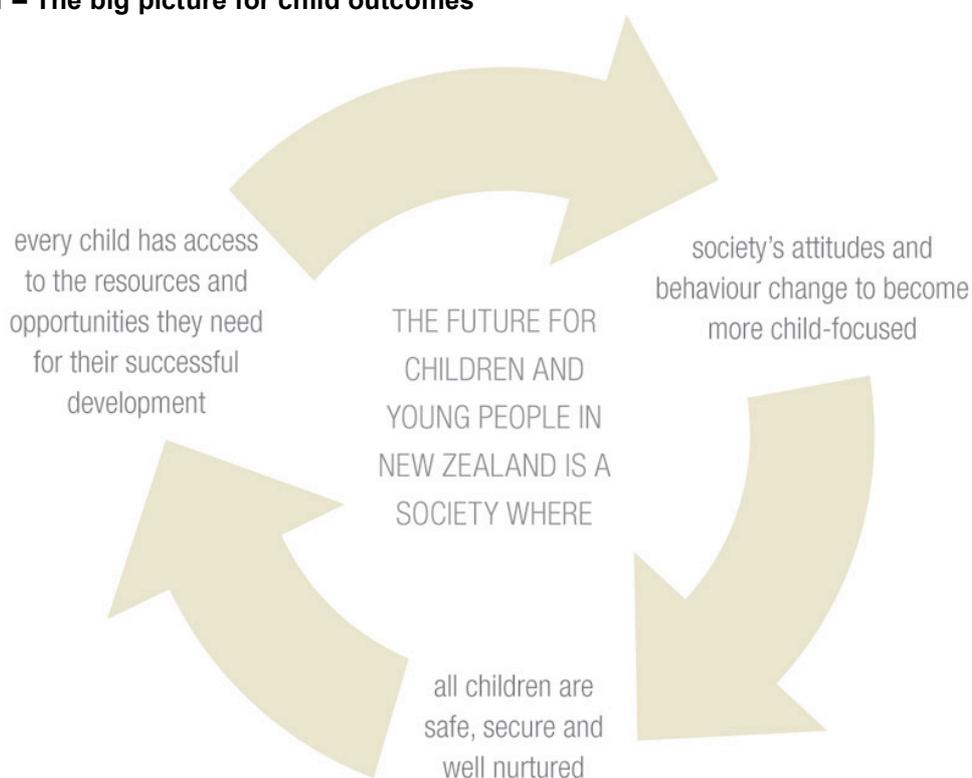
### **The outcomes we are seeking from our work**

The responsibilities of the Children’s Commissioner are, broadly stated, to advocate for the interests, rights and well-being of children in New Zealand. The purpose of this advocacy is to improve outcomes for children in all aspects of their development and well-being. We have identified three key areas where significant progress is needed if children’s interests and well-being are to be improved:

- all children are safe, secure and well nurtured
- every child has access to the resources and opportunities they need for their successful development
- society’s attitude and behaviour change to become more child focused.

These are our priority outcomes. Figure 1 below shows the way in which they are interrelated.

**Figure 1 – The big picture for child outcomes**



The Office of the Children’s Commissioner has a small team and limited resources with which to influence these outcomes. While we contribute to positive outcomes for children, we cannot necessarily make things happen on our own. Our outcomes reflect the needs of children and are consistent with other agencies that we work with closely.

#### Ministry of Social Development

Our outcomes support the Ministry of Social Development’s outcomes for children where, “children are safe” and “systems are in place to care for and protect children in at-risk families” and their outcomes for families and whanau where “families and whanau provide a secure home environment to nurture children and support family members.”

#### Families Commission

Our outcomes complement the vision of the Families Commission where, “families have the capacity to care for and nurture their members, and participate in and contribute to the social, economic and cultural life of New Zealand. All families are valued and supported by communities, government and society. Whanau have the capacity and opportunity to achieve whanau ora. Whanau are valued and supported by communities, government and society, hapu and iwi.” The family environment of each child is crucial for the achievement of these outcomes.

## ***Outcome one: All children are safe, secure and well nurtured***

### **What we are seeking to achieve**

This outcome concerns children being free of violence in families, schools and playgrounds; their physical and emotional needs being met; the security of their care; and the quality of their nurturing. This outcome will be achieved when the personal safety and security of each child is assured, and all children in New Zealand are well nurtured.

We all contribute to children being safe, secure and well nurtured. We do so as individuals, as family, as members of organisations, as taxpayers. The Office of the Children's Commissioner will focus attention on children's safety, security and nurturing at individual, family, community, organisation and society levels. We will do so through our advocacy work.

### **Key impacts sought**

The responsibilities of the office and the current environment for children mean that the particular impacts we will seek to have over the next three years will be in the following areas:

- to reduce the incidence and prevalence of child abuse and neglect within families
- to reduce the incidence of violence in other areas of children's lives
- to increase the safety and security of care, security and good nurturance of children in the care of the Chief Executive of the Ministry of Social Development.

We will do this by focusing on these aspects of services under the CYPF Act in our monitoring of actions under the CYPF Act, and through our work with schools and government agencies in the compulsory education sector, building on work already done in 2008.

## How results will be measured

We will monitor levels and trends in violence and abuse through the administrative data collections of government agencies and relevant surveys.

Key indicators<sup>4</sup> will be:

Indicator	Current	Trend
The number of findings of children assessed as abused or neglected following a notification to Child, Youth and Family, expressed as a percentage of the 0-16 population.	1.37% <sup>5</sup> (2008)	Increasing
Proportion of children in the care, custody and or guardianship of the Chief Executive of the Ministry of Social Development on 30 June of each year – with up to date health assessments and treatment plans.		New indicator that is being tested in the 2009/10 year
Percentage of high school students that report seeing or being subject to violence.		New indicator that is being tested in the 2009/10 year

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<sup>4</sup> Some indicators for these three outcomes differ to what was published in the 2008-11 Statement of Intent. The change has been made to introduce other measures that we will monitor to assess the key impacts we are seeking to achieve. This is to ensure better alignment to our outcomes.

<sup>5</sup> Source: Child, Youth and Family (2007/08)

## ***Outcome two: Every child has access to the resources and opportunities they need for their successful development***

### **What we are seeking to achieve**

This outcome concerns the economic, social and spiritual well-being of children, and their optimum development. To reach their potential children need access to resources and opportunities. A fundamental aspect of this is that children live in households where the economic position allows each child to have the necessities of life, provided at a suitable standard, and to be able to access the same developmental opportunities that are expected for all children in a society such as New Zealand's. These include:

- adequate food and housing
- education
- access to health and dental care
- quality parental support and other child care services
- sporting, recreational and cultural opportunities.

Over the next three years this office will focus on the material needs of children and families, the quality of early childhood care and education services and access to compulsory education services.

### **Key impacts sought**

Through its activities to promote the interests and well being of children the office will seek to have an influence in many of the areas that impact on child development.

Over the next three years the office will focus in particular on the economic position of children. Poverty and deprivation affects many New Zealand children. It constrains their daily lives, and reduces their opportunities to grow and develop to the fullest extent possible. It is associated with increased risk of poor health both during childhood and as adults, poorer educational attainment, lower adult earnings and a higher chance that their own children will experience poverty. Child poverty rates in New Zealand have been higher than OECD averages, but have been trending down. Current economic circumstances may reverse that trend.

The second area of attention will be education. In this area, we will seek to promote discussion on the quality of care very young children receive both in their homes and in early childhood care and education. We will also seek to enhance the engagement of children in the compulsory education sector.

We will:

- advocate that child poverty levels be monitored and policy advice developed on how to reduce the prevalence of children in poverty
- investigate the regulation and provision of child care services for under two year old children
- promote an informed discussion about the care of under two year olds

- promote the engagement of children in schooling through responses to individual cases, and at a systemic level by advocating for effective responses to bullying, and effective grievance processes
- investigate the engagement of children with disabilities and behavioural problems in schooling.

### How results will be measured

Result will be measured using information on the material well-being of children published in *The Social Report*, and indicators as set out in the table below.

Key indicators will be:

Indicator	Current	Trend
Regular monitoring of child poverty levels undertaken by the Government agencies we engage with.		New indicator that is being tested in the 2009/10 year
Annual number of children and young people suspended from school, expressed as an age-standardised suspension rate of students per 1000.	6.6 (2007) <sup>6</sup>	Declining
Number of school boards of trustees with formal processes in place that support children at school who are at risk of disengagement.		New indicator that is being tested in the 2009/10 year

I will know that there has been success in this outcome over the next three years when:

- the proportion of children living in poverty in New Zealand has decreased
- the rate of school exclusions declines.

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<sup>6</sup> Source: Ministry of Education

## ***Outcome three: Society's attitudes and behaviour change to become more child-focused***

### **What we are seeking to achieve**

This outcome concerns children as citizens of New Zealand, their participation in decisions affecting them and their right to have their voices heard. We are also concerned with the rights of children to be treated with the same dignity and respect as adults. The focus of this outcome is on the attitudes and behaviours of adults that will enhance the position, voice and participation of children in society as a whole and in the institutions in which they live.

### **Key impacts sought**

We are seeking to have:

- children's interests taken into account more in the policy and operational decisions of central and local government
- greater participation of children in decision-making processes that affect them directly
- stronger grievance and review mechanisms in settings where power is exercised over children, such as schools and institutions
- greater recognition of children as members of society in their own right
- wider understanding of UNCROC and its application to children's lives in New Zealand.

We will have a positive impact on these key areas through advocacy work, promotion of UNCROC, promotion of children's rights to be treated as members of society in their own right, the provision of a 'backstop' or second tier grievance system for children and through demonstrating best practice in our own work.

## How results will be measured

Government policy formation and decision-making will be monitored for consistency with a children's rights approach. Compliance with UNCROC will be monitored by information collected through the office. We will look at survey information on parental attitudes to the use of physical punishment as a measure of attitudes to children's individual rights.

Key indicators will be:

Indicator	Current	Trend
The extent to which children in care are part of case planning decisions made by Child, Youth and Family.		New indicator that is being tested in the 2009/10 year
Parental use of physical discipline in previous four weeks.	10.4% <sup>7</sup> (2007)	Baseline data

I will know that there has been success in this outcome over the next three years:

- when all children in care are routinely involved in planning processes<sup>8</sup>
- fewer parents condone and use physical discipline.

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<sup>7</sup> Source: 2006/07 New Zealand Health Survey, Ministry of Health

<sup>8</sup> Success factors will be developed during the year as part of the *Children in care* monitoring project.

## **Key outputs**

My office is required to deliver in two key output areas:

### ***Output one: Monitoring and investigating***

#### **Monitoring and assessing the policies and practices of Child, Youth and Family and other agencies providing services under the CYPF Act**

Monitoring and assessing the policies and practices of services delivered under the CYPF Act, by Child, Youth and Family and other agencies, is one of the office's primary responsibilities under Section 11 of the Act.

Progress has been made on establishing a framework for the monitoring of Child, Youth and Family services. Child, Youth and Family is committed to providing information, suitable for analysis and assessment, to the office on a regular and consistent basis for monitoring reports. This information will be supplemented by that obtained from site and residence visits, the review of deaths of children known to Child, Youth and Family, reports pursuant to section 47 of the CYPF Act Care and Protection Resource Panels reports, residence audit reports and Grievance Panels reports.

In 2009 – 2010 the office will give particular attention to adequacy of health, education and care services being provided to children who are in the care of the Chief Executive of the Ministry of Social Development.

#### **Optional protocol to the UN Convention against cruel, inhuman or degrading treatment or punishment (OPCAT)**

In March 2007, New Zealand ratified the *Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Ratification of the protocol obliges member states to establish one or more National Preventive Mechanisms (NPM) to monitor places of state detention. The Children's Commissioner was designated a NPM and my office is specifically responsible for monitoring and reporting on the safety and treatment of children and young people in nine Child, Youth and Family residences. Two visits to each residence are made every four years.

## ***Output two: Individual and systemic advocacy***

This output gives effect to the general functions of the Commissioner set out in Section 12 of the Act. It includes:

- investigating decisions or recommendations made in individual cases (including within Child, Youth and Family under Section 13 (1) (a)) and making recommendations
- advocating for children's interests generally in the policy and legislative work of government departments and Crown agencies through the provision of advice and making submissions
- advocating at a systemic level for operational policies and practices that enhance the interests of children, such the participation of children in decisions that affect them, the establishment of robust complaints systems and compliance with the provisions of UNCROC
- public education activities to raise awareness of children's interests, rights and well being, and of UNCROC.

In 2009 – 2010 the work in this output will include the education sector on engagement, early childhood education and bullying and work across the social sector on the prevention of child maltreatment.

In public education the office will promote the interests of children through the delivery of speeches or presentations, produce the *Children* newsletter four times each year, and develop, produce, and distribute publications.

## ***Our operating intentions***

### **Our approach**

We take a whole of child approach to our work, considering the child as a citizen in his or her own right and looking at their interests, rights and welfare in all of the contexts in which they live, including families, early childhood education/schools and public and recreational spaces/places. We also acknowledge the different places children are at in respect of their development, and take a lifecycle approach to considerations of their welfare.

We take into account the Treaty of Waitangi and UNCROC. The Treaty guides our relationship, as part of the Crown, with Maori. The provisions in UNCROC have to be taken account of in carrying out the functions and powers of the office.

We take account of the diversity of children in New Zealand, and the disparities in the social and economic circumstances of children in contemporary New Zealand.

### **Quality**

We adhere to the following quality principles for all outputs the office produces:

- timeliness: all reporting deadlines are met or alternative arrangements made
- consultation and participation: potential affected parties and interested parties are consulted and their views considered
- presentation: documents adhere to internal guidelines and are presented clearly, logically and in plain, grammatically correct language
- practicality: viable options are presented and assessed practicalities are identified and solutions proposed, when appropriate
- internal standards: responsiveness, accessibility and professional behaviour are adhered to.

### ***Partners and stakeholders***

A wide and diverse range of agencies, groups and individuals have interests, responsibilities and powers relating to children. Accordingly these – together with children – are key stakeholders in working with us to advance the interests, rights and welfare of children.

The office aims to establish and maintain effective working relationships with stakeholders in order to work towards shared outcomes.

### **Children and young people**

The Young People's Reference Group enables the office to talk directly with children and young people and provides valuable advice on the vision, direction and goals of the office. The group also advises on specific matters and policy areas and their advice is often sought by other government agencies. The office also engages widely with children in different settings, for example, talking with children in schools and Child, Youth and Family residences.

### **Government agencies**

The office works collaboratively across government. We have particular relationships with social development, health, education and justice sector agencies.

### **Territorial Local Authorities**

The office is building relationships with local government to ensure that the interests of children are considered in policy and programme development.

### **Non-Government Organisations**

Our office has strong links with the non-government (NGO) sector. This has enabled our office to take on a brokering role between government and non-government agencies – facilitating communication between the two sectors.

### **Iwi Maori, Pasifika and immigrant communities**

Staff in Auckland will be focusing in particular on developing relationships with Iwi Maori, Pasifika, Asian, disabled and new immigrant/refugee communities. These relationships will influence the office's work programme.

## Risks

We must anticipate issues or problems and be able to reduce their negative effects. The four major risks to which we are exposed and our responses to these are:

Risk type	In response, our office will
<p><i>Credibility:</i> The risk that the office loses the confidence of key stakeholders.</p>	<ul style="list-style-type: none"> <li>• Maintain the quality of its investigation and reporting capability, and of its advice and advocacy.</li> <li>• Ensure statutory obligations are met, as well as advocacy and advisory responsibilities.</li> <li>• Ensure that its position and advice on issues is evidence based – through the use of reliable information and robust research.</li> </ul>
<p><i>Representation:</i> The risk that the office does not remain the authoritative advocate of the interests, needs and rights of children.</p>	<ul style="list-style-type: none"> <li>• Maintain and develop the input it receives from children – particularly the Young People’s Reference Group.</li> <li>• Keep informed of national and international good practice and emerging issues.</li> </ul>
<p><i>Results focus:</i> The risk that the office could lose focus on its key outcomes and results and on business priorities.</p>	<ul style="list-style-type: none"> <li>• Maintain results-focused planning systems within the office.</li> <li>• Manage external pressures and demands on the work agenda of the office.</li> <li>• Manage and monitor a sustainable, office-wide work plan and individual work plans.</li> <li>• Achieve a workable balance between the main lines of business: investigations, monitoring, advocacy and advisory.</li> </ul>
<p><i>Staff skills</i> - The risk that key skill capabilities are not available for the Commissioner’s work.</p>	<ul style="list-style-type: none"> <li>• Plan recruitment and retention to ensure that the required skills are developed and maintained.</li> <li>• Ensure induction programmes are supported with development and performance management systems.</li> <li>• Ensure adequate funding (for salaries and to meet good employer obligations) to attract and retain quality staff.</li> </ul>

Other business risks, such as maintaining business continuity in the case of emergencies, are dealt with through specific plans.

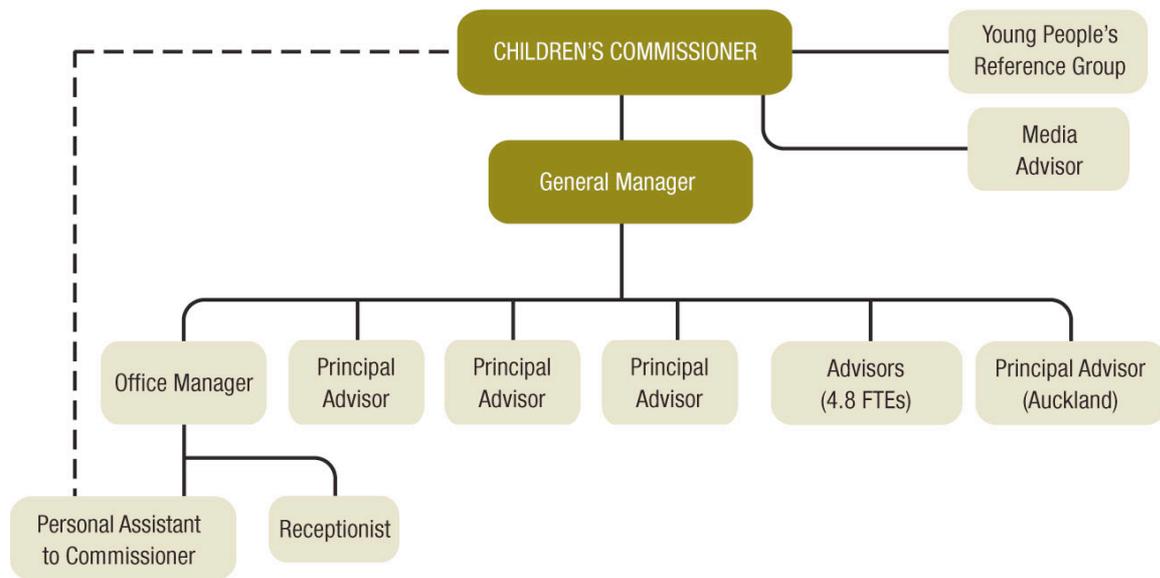
## ***Our organisation***

John Angus was appointed as the Children's Commissioner in May 2009 for a six-month term.

The office employs 14.6 full time equivalents. 12 are based in the Wellington office and 2.6 work in Auckland.

The General Manager oversees the work of all principal advisors and advisors in Wellington and Auckland, as well as the office manager in Wellington.

**Figure 2 – Organisational Chart**



## ***Capability and capacity***

Our overall objective is to ensure the office is respected as an active monitor and accurate assessor of the quality of services provided to children under the CYPF Act as well as a credible, well-informed and trustworthy advocate for children and young people.

The capability of the office consists of our skilled people, resources, systems and relationships with stakeholders.

### **People**

A high level of skills in research, communication, influencing and media is required in addition to knowledge of children's issues and the machinery of government.

Work is underway to review our performance assessment policies and processes. The process involves an assessment of our existing system and consultation with all staff. I am expecting to have in place a new system by 1 October 2009.

## **Training and development**

Our human resource policies are consistent with my good employer obligations; we have policies in three key Good Employer areas: health and safety, recruitment and equal employment. To support work in this area our office is a member of the EEO Trust.

## **Systems**

We continue to make improvements in work organisation, team processes and information handling (including electronic resources) with work planned to further develop and implement these improvements over the next year.

## **Accommodation**

The Auckland office has now been co-located with the Families Commission in an inner-city space. The Auckland office operates in a different environment to the Wellington office. It works with the diverse community and non-government organisation sector that exists in the upper North Island, in its contribution to the office's output.

The Wellington office is in a central location, close to government agencies and to Parliament, ideal for much of the work we undertake. However, the lease is due for renewal in October 2009 and plans to co-locate in the Families Commission's equally central office space is underway. This will save costs and enhance collaboration.

## **Meeting the Government's productivity expectations**

It is this office's intention to take action that supports the Government's goal of a more focused, efficient and productive State sector that delivers services differently and more cost effectively. There has already been an administrative review and as a result, the office is:

- co-locating with the Families Commission in Wellington with related savings
- keeping expenditure under constant review
- focusing resources on core statutory functions of monitoring and advocacy.

## ***Consultation and reporting to the responsible Minister***

### **Reporting to the responsible Minister**

As Children's Commissioner I have agreed to establish and sign an Output Agreement with my responsible Minister, setting out details on the way in which I will continue to consult and report on the Government's purchase interests in the office.

Reporting will include:

- regular meetings with the responsible Minister and briefings on issues relating to the interests, rights and welfare of children
- quarterly reports on output delivery, key developments in the reporting period and financial reports.

I will continue to work with the Minister on a "no-surprises" basis and raise issues at the earliest opportunity rather than waiting for formal reporting to be done. We will continue to brief the Minister on significant publications, speeches and releases.

### **Annual reporting**

I am required by the Crown Entities Act 2004 (Section 150) to provide the responsible Minister with an Annual Report on my operations for each year. This report is separate from the quarterly reports already mentioned above and will provide information about the financial performance of the office and our performance against the key deliverables I have agreed with the Minister.

Where applicable, comments and reports will reflect a risk management perspective (potential risks are identified and strategies/action taken to minimise the impacts of these will be discussed).

Reporting will focus on:

- delivery of outputs – a detailed year-to-date report against the deliverables specified in the Output Agreement.
- financial statements – a comprehensive set of year-to-date reports and (where required) commentary against the forecast financial reports specified in the Output Agreement.

In addition to the reporting described above, I also meet with the responsible Minister on a regular basis to ensure that an open dialogue continues.

### **Longer-term financial targets**

I am looking to maintain Working Capital (Current Assets – Current Liabilities) at a base level of approximately \$250,000. This equates to one month's operational activity.

## **PART 2: Prospective statement of service performance and financial information**

### ***Statement of responsibility***

The Children's Commissioner is an Independent Crown Entity under the Crown Entities Act 2004 with its role established under the Children's Commissioner Act 2003 to advocate for the interests, rights and welfare of children generally.

The Commissioner and his office are responsible for the preparation of the Statement of Intent and prospective financial statements, including the assumptions on which the financial statements are based.

The prospective financial statements have been prepared in accordance NZ IFRS, as have the retrospective financial statements at the end of the financial years 2008/09 and 2009/10.

The prospective financial statements have been developed for the purpose of tabling the Commissioner's intentions in Parliament, and should not be relied upon by any other party for any alternative purpose without the express written permission of the Commissioner. Actual results are likely to be different from the prospective financial statements and the variation may be material.

The Commissioner reviews the first half-year result and third quarter result in April of each year and restates the estimated out-turn for the current fiscal year.

I have authorised the issue of the financial statements on this day, 30 June 2009.

A handwritten signature in black ink, appearing to read 'John Angus', with a large, sweeping flourish on the left side.

Dr John Angus  
Children's Commissioner

## **Output funding**

Funding of our output class will be provided within the appropriated sum of \$1,757,000 (GST exclusive) in addition to any third party revenue received during the year.

Until this year, the office has received funding from Vote: Education to support the work done under contract to the Ministry of Education. This has ended. Some further revenue is received from interest and the sale of resources.

<b>Crown Revenue</b>	<b>Other Crown/Third Party Revenue</b>	<b>Total Revenue</b>
\$1,757,000	\$16,000	\$1,773,000

## **Summary of output costs**

<b>2009/2010 Output Category</b>	<b>Allocation of Crown Funding</b>	<b>Additional Expenditure</b>	<b>Total Expenditure</b>
Monitoring and Investigating	\$606,165	\$5,520	\$611,685
Individual and Systemic Advocacy	\$1,150,835	\$10,480	1,161,315
Total	\$1,757,000	\$16,000	\$1,773,000

NB: All figures are GST exclusive. Indicative application of costs only

Further deliverables and performance measures are captured in more detail in a separate Output Agreement with the responsible Minister.

## **Output one: Monitoring and investigating**

To achieve this output, the Children’s Commissioner will:

- obtain information, assess and report on Child, Youth and Family performance
- visit up to four Child, Youth and Family site offices and their local communities of interest
- visit up to four Child, Youth and Family residences
- visit each Child, Youth and Family residence, as National Preventative Mechanism, twice within a four year timeframe specifically to make sure young people in New Zealand are treated humanely in respect of the Optional Protocol to the United Nations Convention against Cruel, Inhuman or Degrading Treatment or Punishment
- undertake a children in care project to investigate and report on the adequacy of services being provided to children who are in the care of the Chief Executive of the Ministry of Social Development

Key activities 2009/10	Accountability measures	Medium-term impacts
<p><i>Monitor policies and practices under the CYPF Act 1989 – Obtain information, assess and report on the performance of Child, Youth and Family.</i></p>	<p>Quantity: three reports on Child, Youth and Family performance presented to the Ministry of Social Development’s Deputy Chief Executive, Child, Youth and Family.</p> <p>Quality: monitoring the number of recommendations made to Child, Youth and Family that are implemented within agreed timeframes.</p> <p>Quality: no breaches of legislative compliance throughout the year.</p> <p>Timeliness: activity undertaken in line with the monitoring framework<sup>9</sup> with Child, Youth and Family.</p>	<p>The monitoring and assessment results in improved outcomes for children and young people known to Child, Youth and Family.</p>

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<sup>9</sup> Detailed further in the *Office of the Children’s Commissioner’s Monitoring Framework for Child, Youth and Family (2008)*.

Key activities 2009/10	Accountability measures	Medium-term impacts
<p><i>OPCAT responsibilities</i> – implement responsibilities as a National Preventative Mechanism in respect of the Optional Protocol to the United Nations Convention against Cruel, Inhuman or Degrading Treatment or Punishment.</p>	<p>Quantity: four residence reports on compliance with OPCAT presented to the Ministry of Social Development's Deputy Chief Executive, Child, Youth and Family.</p> <p>Quantity: an Annual Report Of Activities Under The Crimes Of Torture Act 1989 is presented to the Minister.</p> <p>Quality: Minister accepts report as indicated by written approval.</p> <p>Timeliness: a summary compliance report drafted by 30 June for inclusion in office's Annual Report.</p>	<p>Any instances of contraventions of OPCAT are uncovered and reported.</p>
<p><i>Children in care project</i> – investigate and report on the adequacy of services being provided to children who are in the care of the Chief Executive of Ministry of Social Development.</p>	<p>Quantity: three reports to be undertaken on specific aspects of children in care, which will feed into one in-depth report.</p> <p>Quality: all published reports are peer reviewed by at least one external expert in the field and comments incorporated into the final report.</p> <p>Quality: no breaches of legislative compliance throughout the year.</p> <p>Timeliness: investigations are completed within defined timeframes.<sup>10</sup></p>	<p>Improved health, education and welfare outcomes for children in the care of the Chief Executive of Ministry of Social Development.</p>

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<sup>10</sup> The Commissioner will advise the Minister of the scope and scale of the investigation and the target date for completion via the quarterly reporting process.

## ***Output two: Individual and systemic advocacy***

To achieve this output, the Children's Commissioner will:

- maintain a child rights line and respond to individual cases
- make submissions, as may be required, to Parliamentary Select Committees examining Parliamentary Bills and/or undertaking enquiries
- make a submission on taking children's interests into account in local government reforms in Auckland
- develop and deliver advice on issues of early childhood education standards, school engagement and the prevention of child maltreatment
- monitor decisions and processes during Auckland local government reform, participation generally in complaints and review processes – ensuring that the views of children are well represented
- promote the participations of children in decision making and their access to review and grievance processes
- contribute to Children's Day and Youth Week
- produce *Children* newsletter
- produce and respond to requests for brochures, pamphlets and posters to support the key messages of the office
- deliver speeches on children's interests, rights and welfare to national and international audiences.

Key activities 2009/10	Accountability measures	Medium-term impacts
<p><i>Individual advocacy</i> – advocate for individuals on a case by case basis, via a Child Rights Line, to give advice and information on issues concerning children.</p>	<p>Quantity: a minimum of 800 calls are responded to.</p> <p>Quality: respondents' satisfaction with the advice and information handling process rated as "satisfactory" or better in 80 per cent of responses to a survey of complaints received and closed in the preceding period. Feedback used to either improve or extend this service.</p> <p>Timeliness: Respondents' satisfaction with the advice and information timeliness and response rated as "satisfactory" or better in 80 per cent of responses to a survey of complaints received and closed in the preceding period. Feedback used to either improve or extend this service.</p> <p>Quality: the office promotes individual and systemic advocacy of children's rights as specified in the Output Agreement<sup>11</sup>.</p>	<p>As appropriate, the information is used to improve policies, procedures and practices and ensures the interests, rights and welfare of children are improved.</p>

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<sup>11</sup> The Output Agreement is between the Children's Commissioner and responsible Minister, for the period 1 July 2009 to 30 June 2010. It outlines the relationship between the two parties and provides more detail on specific work programme activity. It will provide more detail on activity relating to individual and systemic advocacy that will be carried out in 2009/10. Documenting the activity in the Output Agreement enables amendments to be made, upon the agreement of both parties, to reflect changing priorities or emerging issues.

Key activities 2009/10	Accountability measures	Medium-term impacts
<p><i>Advocacy at policy/legislation level</i> – advice is provided to government agencies and Ministers, and submissions to Select Committees examining Parliamentary Bills and/or undertaking enquiries when appropriate.</p>	<p>Quantity: a minimum of 10 submissions to Select Committees and specific reports to government agencies and Ministers.</p> <p>Quality: an annual internal assessment is undertaken to measure whether submissions, advocacy and influence have contributed to changes of identified legislation.</p> <p>Quality: the office ensures that children’s voices are represented in any submission, advocacy or influence undertaken.</p> <p>Timeliness: advice delivered in time to be well considered by recipient.</p>	<p>Process ensures that the interests of children are taken into account, decisions are made that enhance (or mitigate any adverse impact) on the interests, rights and welfare of children.</p>
<p><i>Advocacy at operational systems level</i> – work with our partners and stakeholder groups to ensure the interests of children and young people are promoted in Auckland.</p>	<p>Quantity: a minimum of one submission<sup>12</sup> and a minimum of one report to the Auckland Transition Agency.</p> <p>Quality: an annual internal assessment is undertaken to measure whether outputs have contributed to enhancing the interests, rights and welfare of children.</p> <p>Quality: the office ensures that children’s voices are represented in any submission, advocacy or influence undertaken.</p> <p>Quality: the office promotes individual and systemic advocacy of children’s rights as specified in the Output Agreement.</p> <p>Timeliness: advice is delivered in time to be well considered by recipient.</p>	<p>Process ensures that the interests of children are taken into account, decisions are made that enhance (or mitigate any adverse impact on) the interests, rights and welfare of children</p>

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<sup>12</sup> Assuming a submission process will be undertaken for the third bill, expected at this stage in the first half of the 2009/10 financial year.

Key activities 2009/10	Accountability measures	Medium-term impacts
<p><i>Public education:</i></p> <ul style="list-style-type: none"> <li>• deliver speeches or presentations</li> <li>• respond to requests for publications and resources.</li> </ul>	<p>Quantity: a minimum of eight speeches or presentations are delivered</p> <p>Quality: feedback will be sought to determine that the speech or presentation delivered meets the requirements of the organiser and is targeted to the audience/occasion.</p> <p>Timeliness: ongoing during 2009/10.</p> <p>Quantity: a minimum of 1000 resource requests responded to.</p> <p>Quality: resources are dispatched within five working days 95 percent of the time.</p> <p>Timeliness: ongoing during 2009/10.</p>	<p>This work ensures that issues relating to the interests, rights and welfare of children are heard through a variety of mediums produced by the office.</p>

## ***Financial Statements***

### **Estimated forecast statement of financial performance**

	<b>Estimated Out turn 2008/09</b>	<b>Estimated Out turn 2009/10</b>
Revenue Crown	1,948,112	1,757,000
Revenue Other	2,042	1,000
Interest	44,460	15,000
<b>Total Revenue</b>	<b>1,994,614</b>	<b>1,773,000</b>
Personnel	1,321,454	1,248,508
Operating	647,742	471,545
Audit	17,754	16,500
Rent	184,942	105,000
Leasing	0	0
Depreciation	79,881	69,500
<b>Total Expenditure</b>	<b>2,251,773</b>	<b>1,911,054</b>
<b>Net</b>	<b>(257,159)</b>	<b>(138,054)</b>

### Estimated statement of financial position

	Estimated Out turn 30 June 2009	Estimated Out turn 30 June 2010
Current Assets	542,057	473,504
Current Liabilities	218,307	218,307
Net Working Capital	323,750	255,197
Fixed Assets	125,000	55,500
Net Assets	448,750	310,697
<b>Taxpayers Funds</b>	<b>448,750</b>	<b>310,697</b>

### Prospective statement of movement in equity

	Estimated Out turn 30 June 2009	Estimated Out turn 30 June 2010
Taxpayers' equity brought forward (as at 1 July)	705,909	448,750
Net operating surplus/(deficit)	(257,159)	(138,054)
Total recognised revenues and expenses for the year	(257,159)	(138,054)
<b>Taxpayers' equity as at 30 June</b>	<b>448,750</b>	<b>310,697</b>

## Estimated statement of cash flows

	Estimated out turn 30 June 2009	Estimated out turn 30 June 2010
<i>Cash flows from operating activities</i>		
Cash will be provided from:		
Government grant & other sources	1,948,112	1,757,000
Revenue from services	2,042	1,000
Interest received	44,460	15,000
	<b>1,994,614</b>	<b>1,773,000</b>
Cash will be applied to:		
Payments to Commissioner & employees	1,272,548	1,202,090
Payments to suppliers	899,344	639,463
	<b>2,171,892</b>	<b>1,841,553</b>
<b><i>Net cash flows from operating activities</i></b>	<b>(177,278)</b>	<b>(68,553)</b>
<b><i>Cash flows from investing activities</i></b>		
Sale of fixed assets	0	0
Purchase of fixed assets	0	0
Net increase/(decrease) in cash held	0	0
Plus opening cash balance	700,949	523,671
<b>Closing cash balance</b>	<b>523,671</b>	<b>455,118</b>

## **Statement of accounting policies**

### *Reporting entity*

The Children's Commissioner is an Independent Crown Entity in terms of the Crown Entity Act 2004. It was established under the Children, Young Persons, and their Families Act 1989 and is continued by the Children's Commissioner Act 2003.

The financial statements included in the Statement of Intent, report on the expected outturn of the Children's Commissioner for the year ended 30 June 2009 and the activities planned for the year ended 30 June 2010.

These statements have been prepared in accordance with the Public Finance Act 1989 and the Children's Commissioner Act 2003.

### *Measurement base*

The financial statements have been prepared on an historical cost basis.

### *Accounting policies*

The following particular accounting policies, which materially affect the measurement of financial performance and financial position, will continue to be applied:

#### *Accounts receivable*

Accounts receivable will be stated at their expected realisable value.

#### *Budget figures*

The budget figures have been prepared in accordance with generally accepted accounting practice and are consistent with the accounting policies adopted by the Commissioner for the preparation of the financial statements.

#### *Revenue*

The Children's Commissioner derives revenue through the provision of outputs to the Crown, for services to third parties and income from its investments. Such revenue will continue to be recognised when earned and be reported in the financial period to which it relates.

#### *Goods and services tax*

The financial statements included in the Statement of Intent are exclusive of GST.

#### *Taxation*

The Children's Commissioner continues to be exempt from Income Tax.

#### *Research activities*

Research costs will be expensed in the period in which they are incurred.

### *Fixed assets*

Office Furniture, Fittings and Equipment, Motor Vehicles and Leasehold Improvements will continue to be stated at cost less accumulated depreciation. Fixed Assets are brought into the Fixed Asset Register for items above \$1,000.

### *Depreciation*

Fixed assets will continue to be depreciated at rates that will write off the cost, on a straight line basis, of the assets to their estimated residual value over their useful life.

In accordance with NZ IAS 38 – Intangible Assets, computer software has been identified separately. No other intangible assets have been identified.

The depreciation rates of major classes of assets used in the preparation of the office's financial statements are:

Office Furniture and Equipment	9.5 - 20.0%
Leasehold Improvements	20.0% or over the remaining life of the lease
Computer Equipment	20.0 - 40.0%
Motor Vehicles	30.0%
Intangible Assets	20.0 - 40.0%

### *Financial instruments*

Revenue and Expenses in relation to all financial instruments will continue to be recognised in the Statement of Financial Performance. All financial instruments will be recognised in the Statement of Financial Position.

### *Statement of cashflows*

*Cash* means cash balances on hand, held in bank accounts, demand deposits and other highly liquid investments in which the Commissioner invests as part of its day-to-day cash management.

*Operating activities* include all activities other than investing and financing activities. The cash inflows include all receipts from the sale of goods and services and other sources of revenue that support the Commissioner's operating activities. Cash outflows include payments made to employees, suppliers and for taxes.

*Investing activities* are those activities relating to the acquisition and disposal of current and non-current securities and other non-current assets.

*Financing activities* are those activities relating to changes in equity and the debt capital structure of the Commissioner and those activities relating to the cost of servicing the Commissioner's equity capital.

### *Provision for annual leave entitlement*

Annual Leave will continue to be recorded on an entitlement basis.

### *Leases*

The Children's Commissioner leases its office premises. As the lessor retains all the risks and ownership, the lease is classified as an operating lease. Operating lease costs will continue to be expensed in the period in which they are incurred.

### *Commitments*

Future payments will continue to be disclosed as commitments at the point a contractual obligation arises, to the extent that they are equally unperformed obligations. Commitments relating to the employment contracts are not disclosed.

### *Contingent liabilities*

Contingent Liabilities will continue to be disclosed at the point at which the contingency is evident.

### *Changes in accounting policies*

All policies will continue to be applied on a basis consistent with other years. All current NZ IRFS and NZ International Accounting Standards (NZIAS) have been reviewed.

### *Statement of significant assumptions*

Crown Revenue has reduced to \$1,757,000 due to the end of Ministry of Education funding. It is assumed Crown revenue will remain at this level in future years.

Given these flows of Crown Revenue funding and with the majority of costs being salary, the office can reduce its Taxpayers' Equity to approximately \$250,000 which still leaves sufficient cash to replace the office's Fixed Assets as and when required.